

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PENDLETON HEIGHTS GAY-STRAIGHT)
ALLIANCE, an unincorporated association,)
)
)
 Plaintiff,)
)
)
 v.) No. 1:21-cv-02480-JRS-TAB
)
)
SOUTH MADISON COMMUNITY)
SCHOOL CORPORATION, *et al.*,)
)
)
 Defendants.)

Declaration of Robyn Axel-Adams

Robyn Axel-Adams, being duly sworn, says that:

1. I am the mother of Reece Axel-Adams.
2. Towards the end of the last school year, I attended meetings of the South Madison Community School Corporation Board of School Trustees (“School Board”) during the time that there was a controversy over the fact that teachers at Pendleton Heights High School had rainbow flags in support of LGBTQ+ Pride and had been required by the school system to remove the flags.
3. During one of the meetings the School Board indicated that it had created a Statement to address the concerns that had been expressed by those who supported LGBTQ+ students and staff.

4. To the best of my knowledge, although the Statement was announced and referred to by the School Board, it was not released to the public, or at least I have not been able to find it.

5. I contacted one of the School Board members who sent me the Statement and I attach it to this declaration.

6. In August or September of this year, Reece and I met with Connie Rickert, who is the principal of Pendleton Heights High School, to discuss the fact that the school had taken the position that transgender students had to be referred to by their "dead" names (the names on their birth certificates) unless parents gave their consents for the students to be referred to by the name aligned with their gender identities.

Verification

I verify under penalty of perjury that the foregoing is true and correct.

Executed on: 12/14/21



Robyn Axel-Adams

Prepared by:

Kenneth J. Falk
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202



COMMUNITY SCHOOL CORPORATION

Statement of the SMCSC Board regarding Viewpoint Neutrality

South Madison Community School Corporation (SMCSC) welcomes and celebrates all its students and employees and does not tolerate harassment or discrimination based on any protected class.

The board has taken under advisement public comments in the last two board meetings regarding concerns of our LGBTQ+ student and staff population and their allies. School administration has met with students, parents, and community members for hours to hear concerns and suggestions. We have received and reviewed numerous emails from community members, voicing differing opinions. We have consulted with our legal counsel and reviewed how other school districts approach this around the country. We are grateful for the community input on this important topic and have taken your feedback seriously. SMCSC recognizes the challenges faced by LGBTQ+ individuals in today's society and consistently endeavors to maintain a welcoming environment for all.

As a public governmental entity, SMCSC is obligated to maintain viewpoint neutrality in speech; that is, the corporation generally cannot sponsor one side without being willing to give an equal platform to an opposing viewpoint. This ensures that the school environment is focused on learning. The Board reminds the SMCSC community of current resources in place:

1. Non-Discrimination and Anti-Harassment Policies

It is the policy of the Board to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Corporation's employment opportunities, programs, and/or activities. The Board vigorously enforces its prohibition against unlawful harassment based on any protected class, including sex. The Board has included transgender status, sexual orientation, and/or gender identity in its Non-Discrimination and Anti-Harassment policies, although it was not required by law to add these designations explicitly. The Board encourages individuals to review the Anti-Harassment policies and follow the procedures to report any suspected harassment towards any individuals:

- Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity
- Policy 1662 – Anti-Harassment (administration)

- Policy 3362 – Anti-Harassment (professional staff)
- Policy 4362 – Anti-Harassment (support staff)
- Policy 5517 – Anti-Harassment (students)

2. Student Clubs

The Board allows student clubs and activities during non-instructional time in accordance with Policy 5730 - Equal Access For Noncorporation-Sponsored, Student Clubs and Activities. Any student is welcome to establish any student led club in accordance with the policy and procedures.

3. Outside Groups Using Corporation Facilities

The Board allows parents or other community members to use corporation facilities for non-curricular activities in accordance with Policy 7510 - Use of Corporation Facilities. Any parent or community member is welcome to use SMCSC facilities for any support organization or activity in accordance with the policy and procedures.

4. Mental health resources

SMCSC provides students with extensive mental health supports, including a minimum of three sessions for all students in grades 7-12 through a partnership funded through a grant with the Bowen Center.

In addition, SMCSC has partnered with local mental health partners Centerstone and Meridian Health Services and INTERSECT.

All staff members are trained in anti-harassment and non-discrimination practices, suicide prevention, bullying recognition and response, Title IX regulations for educators, FERPA, and monitoring online student behavior.

Every building has a guidance counselor who is certified and licensed to assist students in a variety of ways including student academic, vocational, social, and personal growth and can assist in making connections between students and the community resources that are available.

We understand these policies and resources are not ideal for all sides, and there are likely to be individuals on either side of the debate who are unsatisfied. However, the Board and SMCSC administration has taken the community's input seriously and is prepared to move forward with the 2021-22 school year focused on student learning in a safe, welcoming environment for all.